



12-27-04  
EV554746125

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/802,504
	Filing Date	3/9/2001
	First Named Inventor	Victor Keith Blanco
	Group Art Unit	3713
	Examiner Name	SCOTT E JONES
Total Number of Pages in This Submission	Attorney Docket Number	MS1-767US

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return postcard
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> CD, Number of CD(s)	
Remarks		

RECEIVED  
DEC 30 2004  
DIPE/JCWS

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	Steven R. Sponseller, Reg. No. 39384
Signature	
Date	December 22, 2004

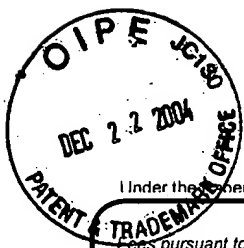
**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or printed name	Carly Taylor	
Signature		Date 12/22/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
DEC 30 2004  
DIPE/JCWS



EV554746125

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 620.00**Complete if Known**

Application Number	09/802,504
Filing Date	March 9, 2001
First Named Inventor	Blanco
Examiner Name	Jones, S.
Art Unit	3713
Attorney Docket No.	MS1-767US

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 20 or HP = 0	x	50	=			
HP = highest number of total claims paid for, if greater than 20						
<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
- 3 or HP = 0	x	200	=			
HP = highest number of independent claims paid for, if greater than 3						

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other: Appeal Brief; 1 month extension of time

620.00

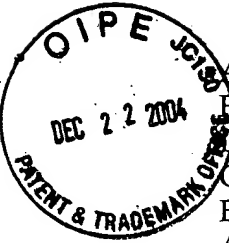
**SUBMITTED BY**

Signature		Registration No. 39,384 (Attorney/Agent)	Telephone (509) 324-9256
Name (Print/Type)	Steven R. Sponseller		Date 12-22-04

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application Serial No. .... 09/802,504  
 Filing Date ..... March 9, 2001  
 Inventor ..... Victor Keith Blanco  
 Group Art Unit ..... 3713  
 Examiner ..... Jones, Scott E.  
 Attorney's Docket No. .... MS1-767US  
 Confirmation No. .... 7444  
 Title: Method and Apparatus for Restricting Access to Content in a Gaming System

**APPEAL BRIEF**

To: Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

From: Steven R. Sponseller (Tel. 509-324-9256 x250; Fax 509-323-8979)  
**Customer No. 22801**

Pursuant to 37 C.F.R. §41.37, Appellant hereby submits an appeal brief for application 09/802,504, filed March 9, 2001, within the requisite time from the date of filing the Notice of Appeal. Accordingly, Appellant appeals to the Board of Patent Appeals and Interferences seeking review of the Examiner's rejections.

12/29/2004 SSITHIB1 00000085 120769 09802504

02 FC:1402 500.00 DA

<b><u>Appeal Brief Items</u></b>	<b><u>Page</u></b>
(1) Real Party in Interest	3
(2) Related Appeals and Interferences	3
(3) Status of Claims	3
(4) Status of Amendments	3
(5) Summary of Claimed Subject Matter	4
(6) Grounds of Rejection to be Reviewed on Appeal	7
(7) Argument	8
(8) Appendix of Appealed Claims	22

**(1) Real Party in Interest**

The real party in interest is Microsoft Corporation, the assignee of all right, title and interest in and to the subject invention.

**(2) Related Appeals and Interferences**

Appellant is not aware of any other appeals, interferences, or judicial proceedings which will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

**(3) Status of Claims**

Claims 1-18 and 21-57 stand rejected and are pending in this Application. Claims 1-18 and 21-57 are appealed. Some of claims 1-18 and 21-57 were previously amended. Claims 19 and 20 were previously canceled. Claims 1-18 and 21-57 are set forth in the Appendix of Appealed Claims on page 22.

**(4) Status of Amendments**

A Final Office Action was issued on August 11, 2004.

No amendments were made after mailing the Final Office Action.

Appellant filed a Notice of Appeal on September 22, 2004 in response to the Final Office Action.

## **(5) Summary of Claimed Subject Matter**

A concise explanation of each of the independent claims is included in this Summary section, including specific reference characters. These specific reference characters are examples of particular elements of the drawings for certain embodiments of the claimed invention, and the claims are not limited to solely the elements corresponding to these reference characters.

With respect to independent claim 1, as discussed for example at page 4, line 22 through page 5, line 2, and page 6, line 3 through page 7, line 17, a game console (102) includes a memory (206 and/or 208), a media reader (106 and/or 208), and a processor (200). The memory (206 and/or 208) stores multiple parental control settings such that the multiple settings are associated with different media types. The media reader (106 and/or 208) reads content from the different media types. The processor (200) is coupled to the memory and the media reader and allows performance of the content read by the media reader (106 and/or 208) if the parental control setting corresponding to the media type being read is satisfied.

With respect to independent claim 13, as discussed for example at page 11, lines 8 through 24, and page 19, line 14 through page 20, line 7, a method includes identifying content (1102) from multiple media types and a corresponding rating. The method further includes identifying a parental control setting (1104) for the identified media type and analyzing the identified content (1106) based on the media type and the parental control setting. Additionally, the method executes the content (1110) if the content satisfies the parental control setting.

With respect to independent claim 23, as discussed for example at page 11, lines 8 through 24, and page 19, line 14 through page 20, line 7, a method includes identifying a media type (1102) to be accessed by a game console. The method further includes identifying a parental control setting (1104) stored in non-removable memory associated with the identified media type and analyzing the content (1106) using the identified parental control setting. Additionally, the method allows the game console to access the content (1110) if the content satisfies the parental control setting. Otherwise, the method outputs a diagnostic (1108).

With respect to independent claim 29, as discussed for example at page 11, line 8 through page 12, line 20, and page 15, line 6 through page 16, line 16, a user interface for a game console includes a main menu (402 and/or 500) that identifies different media types that can be played by the game console. The user interface also includes a parental control settings menu (418 and/or 900) that is accessible from the main menu and allows a user to set content restrictions fore each of the different media types that can be played by the game console.

With respect to independent claim 32, as discussed for example at page 11, line 8 through page 12, line 20, and page 15, line 6 through page 16, line 16, a user interface for a game console includes a range indicator (902) that identifies a range of content restriction levels used by the game console for multiple different media types. The user interface also includes a movable control (Fig. 9) that moves relative to the range indicator to select a particular content restriction level corresponding to each media type.

With respect to independent claim 35, as discussed for example at page 11, lines 8 through 24, and page 19, line 14 through page 20, line 7, a computer-readable medium for a game console (108, 140, 204, 206, or 208) includes computer-readable instructions that, when executed, cause the game console to identify content (1102) to be played by the game console based upon different kinds of media types that can be played. Additionally, the instructions cause the game console to identify a parental control setting (1104) for the identified media type and determine whether the identified content (1106) satisfies the parental control setting. The instructions also cause the game console to play the identified content (1110) if the identified content satisfies the parental control setting.

With respect to independent claim 38, as discussed for example at page 4, line 22 through page 5, line 2, page 6, line 3 through page 7, line 17, and page 9, lines 7 through 17, a game console (102) includes a memory (206 and/or 208), a processor (200), a media reader (106 and/or 208), and a console application (260). The media reader (106 and/or 208) supports different media types and a corresponding rating is associated with each of the different media types. The console application (260) is stored in the memory (206 and/or 208). A control setting is stored in the memory (206 and/or 208) for each media type. The console application (260) performs the media type read by the media reader (106 and/or 208) except when the rating does not satisfy the control settings associated with the media type.

With respect to independent claim 47, as discussed for example at page 4, line 22 through page 5, line 2, and page 6, line 3 through page 7, line 17, a game console (102) includes means for reading (106 and/or 208) different media types



and a corresponding parental rating for each media type. The game console (102) also includes means for storing (206 and/or 208) a console application (260) and a control setting associated with each media type. Additionally, the game console (102) includes means for executing (200) the console application (260) to perform the media type when the parental rating satisfies the control setting for the media type.

With respect to independent claim 52, as discussed for example at page 11, lines 8 through 24, and page 19, line 14 through page 20, line 7, a method includes identifying (1102) a first rating associated with a first media type and identifying a second rating associated with a second media type capable of execution on a game console (102). The method further includes identifying (1102) a media type to be executed by the game console (102). Additionally, the method identifies (1104) a parental control setting associated with the identified media type and compares (1106) a rating associated with the media type to be executed and the identified parental control setting. The method also executes (1110) content from the identified media type if the rating satisfies the identified parental control setting.

#### **(6) Grounds of Rejection to be Reviewed on Appeal**

Claims 1, 5-7, 9, 10, 12-16, 21-26, 28-31, 35-44, 47-50, and 52-57 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,978,920 to Lee.

Claims 2-4, 8, 11, 17-18, 27, 32-34, 45-46, and 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,978,920 to Lee.

**(7) Argument**

**A. Rejection under 35 U.S.C. §102(b) over U.S. Patent No. 5,978,920 to Lee.**

Claims 1, 5-7, 9, 10, 12-16, 21-26, 28-31, 35-44, 47-50, and 52-57 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,978,920 to Lee.

**1. Claims 1, 5-7, 9, 10 and 12**

The Lee reference discloses:

A computer system having a function of interrupting lewd/violent programs which includes a read-only-memory for storing an initialization program and a security grade setup program; a non-volatile memory device for storing a security grade which is a program classification code selected by a user for designating an unacceptable program content contained in an application program, and a password for identifying the user when changing the security grade; and a controller for controlling execution of an application program according to the security grade of the application program and the security grade stored in the non-volatile memory device during initialization, and for controlling the changing of the security grade stored in the non-volatile memory device during the security grade setup, when the user inputs a password that corresponds to the password stored in the non-volatile memory device. As a result, the computer system is able to limit access to application programs that contain unacceptable levels of graphic sex, violence, and strong language. (Lee Abstract).

Although Lee discloses “a security grade which is a program classification code selected by a user designating an unacceptable program content contained in an application program” (Lee Abstract), the Lee reference fails to disclose the elements of claim 1.

Claim 1 of the present application recites a game console comprising:

a memory to store a plurality of parental control settings, wherein the plurality of parental control settings are associated with different media types;

a media reader to read content from the different media types; and

a processor coupled to the memory and the media reader, wherein the processor allows performance of the content read by the media reader if the parental control setting corresponding to the media type of the content being read is satisfied.

The Lee reference fails to disclose “a memory to store a plurality of parental control settings ... associated with different media types ....” as recited in claim 1. Although Lee discloses the use of security grades, the Lee reference fails to disclose multiple security grades associated with different media types. Lee discloses “Different security grades may be stored in security grade memory 17 in order to accommodate different levels of violence, vulgarity and lewdness of different application programs.” Col. 6, lines 53-56. However, providing different security grades for different application programs is not the same as storing multiple parental control settings associated with different media types. Further, Lee makes no reference to different media types. Instead, Lee discloses that a security grade is associated with an application program.

In rejecting claim 1, the Office Action refers to a reference in Lee that a television program may carry different program classification codes. See Col. 7, lines 26-31. However, this portion of Lee does not disclose multiple parental control settings associated with different media types. The Office Action alleges that an application program and a television program are different media types. However, Appellant submits that an application program and a television program

are not different media types as recited in claim 1. In Lee, “application program” and “television program” refer to different content, not different media types. For example, claim 1 further recites “a media reader to read content from the different media types” (emphasis added). The media reader of claim 1 reads content from the media types. Therefore, content and media types have very different meanings. As such, Appellant submits that Lee’s disclosure of a television program and an application program fails to disclose the elements of claim 1.

Thus, for at least these reasons, Appellant respectfully submits that claim 1 is allowable over Lee. Given that claims 5-7, 9, 10 and 12 depend from claim 1, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above with respect to claim 1.

Accordingly, Appellant respectfully submits that claims 1, 5-7, 9, 10 and 12 are allowable over Lee and that the rejection of claims 1, 5-7, 9, 10 and 12 should be withdrawn.

## **2. Claims 13-16 and 21-22**

Claim 13 of the present application recites a method comprising:

- identifying content from among each of a plurality of different media types to be executed on a game console and a corresponding rating thereof;

- identifying a parental control setting stored in the game console for the media type of the identified content;

- analyzing the content to be executed on the game console using the media type thereof and the parental control setting of the media type; and

- executing the content on the game console if the rating of the identified content satisfies the parental control setting.

As discussed above with respect to claim 1, the Lee reference fails to disclose “identifying content from among each of a plurality of different media types to be executed on a game console and a corresponding rating thereof” and “identifying a parental control setting stored in the game console for the media type of the identified content”. In particular, Lee fails to disclose identifying content from each of a plurality of different media types to be executed on a game console. As discussed above, Lee does not disclose multiple media types with multiple parental control settings associated therewith.

Appellant submits that the Lee reference does not disclose the elements of claim 13. Thus, for at least these reasons, Appellant respectfully submits that claim 13 is allowable over Lee. Given that claims 14-16 and 21-22 depend from claim 13, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that claims 13-16 and 21-22 are allowable over Lee and that the rejection of claims 13-16 and 21-22 should be withdrawn.

### **3. Claims 23-26 and 28**

Claim 23 of the present application recites a method comprising:

identifying a media type of content to be accessed by a game console from among each of a plurality of media types;

identifying a parental control setting stored in non-removable memory of the game console and associated with the media type of content to be accessed by the game console;

analyzing the content to be accessed by the game console using the identified parental control setting; and

allowing the game console to access the content if the content satisfies the identified parental control setting and otherwise outputting a diagnostic.

The Lee reference fails to disclose “identifying a media type of content to be accessed by a game console from among each of a plurality of media types” as recited in claim 1. As discussed above with respect to claim 1, the Lee reference fails to disclose multiple media types. Accordingly, Lee fails to disclose identifying a media type from a plurality of media types.

Appellant submits that the Lee reference does not disclose the elements of claim 23. Thus, for at least these reasons, Appellant respectfully submits that claim 23 is allowable over Lee. Given that claims 24-26 and 28 depend from claim 23, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that claims 23-26 and 28 are allowable over Lee and that the rejection of claims 23-26 and 28 should be withdrawn.

#### **4. Claims 29-31**

Claim 29 of the present application recites a user interface for a game console comprising:

- a main menu configured to identify different media types that may be played by the game console; and
- a parental control settings menu accessible from the main menu to allow a user to set various content restrictions for each of the different media types that may be played by the game console.

The Lee reference fails to disclose “a parental control settings menu accessible from the main menu to allow a user to set various content restrictions for each of the different media types that may be played by the game console.” as recited in claim 29. As discussed above, Lee discloses the use of security grades but fails to disclose multiple security grades associated with different media types. Although Lee discloses providing different security grades for different application programs, such disclosure is not the same as allowing a user to set content restrictions for each of the different media types that can be played by a game console.

Accordingly, Appellant submits that the Lee reference does not disclose the elements of claim 29. Thus, for at least these reasons, Appellant respectfully submits that claim 29 is allowable over Lee. Given that claims 30-31 depend from claim 29, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that claims 29-31 are allowable over Lee and that the rejection of claims 29-31 should be withdrawn.

## **5. Claims 35-37**

Claim 35 of the present application recites:

A computer-readable medium for a game console comprising computer-executable instructions that, when executed, cause the game console to:

- identify content to be played by the game console based upon different kinds of media types that can be played by the game console;
- identify a parental control setting associated with the particular media type of the identified content;

determine whether the particular media type of the identified content satisfies the parental control setting; and  
playing the identified content if the identified content satisfies the parental control setting.

As discussed above with respect to claim 1, the Lee reference fails to disclose “identifying content to be played by the game console based upon different kinds of media that can be played by the game console”. In particular, Lee does not disclose identifying content from different media types. As discussed above, Lee does not disclose multiple media types with multiple parental control settings associated therewith.

Appellant submits that the Lee reference does not disclose the elements of claim 35. Thus, for at least these reasons, Appellant respectfully submits that claim 35 is allowable over Lee. Given that claims 36-37 depend from claim 35, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that claims 35-37 are allowable over Lee and that the rejection of claims 35-37 should be withdrawn.

## **6. Claims 38-44**

Claim 38 of the present application recites a game console comprising:

- a memory;
- a processor;
- a media reader for different media types and a corresponding rating associated with each of the different media types; and
- a console application stored in the memory, wherein:
  - a control setting is stored in the memory for each said media type;
- and



the console application, when executed by the processor, performs the media type read by the media reader except when the rating thereof does not satisfy the control setting for the media type.

Lee fails to disclose “a media reader for different media types and a corresponding rating associated with each of the different media types” as recited in claim 38. As discussed above with respect to claim 1, the Lee reference does not disclose multiple media types with multiple ratings associated therewith.

Appellant submits that the Lee reference does not disclose the elements of claim 38. Thus, for at least these reasons, Appellant respectfully submits that claim 38 is allowable over Lee. Given that claims 39-44 depend from claim 38, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that claims 38-44 are allowable over Lee and that the rejection of claims 38-44 should be withdrawn.

## **7. Claims 47-50**

Claim 47 of the present application recites a game console comprising:

- means for reading different media types and a corresponding parental rating for each media type;
- means for storing a console application and a control setting associated with each media type; and
- means for executing the console application to perform the media type read by the media reader when the parental rating thereof satisfies the control setting for the media type.

The Lee reference fails to disclose “means for reading different media types and a corresponding parental rating for each media type” as recited in claim 47.

As discussed above, Lee does not disclose different media types and a parental rating for each of the different media types.

Appellant submits that the Lee reference does not disclose the elements of claim 47. Thus, for at least these reasons, Appellant respectfully submits that claim 47 is allowable over Lee. Given that claims 48-50 depend from claim 47, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that claims 47-50 are allowable over Lee and that the rejection of claims 47-50 should be withdrawn.

#### **8. Claims 52-57**

Claim 52 of the present application recites a method comprising:

- identifying a first rating associated with a first media type capable of execution on a game console;
- identifying a second rating associated with a second media type capable of execution on the game console;
- identifying a media type to be executed by the game console;
- identifying a parental control setting associated with the identified media type;
- comparing a rating associated with the media type to be executed by the game console and the identified parental control setting; and
- executing content from the identified media type if the rating satisfies the identified parental control setting.

For reasons similar to those discussed above with respect to claim 1, the Lee reference fails to disclose “identifying a first rating associated with a first media type ... identifying a second rating associated with a second media type ... identifying a media type to be executed by the game console”, and “identifying a

parental control setting associated with the identified media type”. In particular, Lee fails to disclose identifying ratings associated with multiple different media types to be executed on a game console. As discussed above, Lee does not disclose multiple media types with multiple parental control settings associated therewith.

Appellant submits that the Lee reference does not disclose the elements of claim 52. Thus, for at least these reasons, Appellant respectfully submits that claim 52 is allowable over Lee. Given that claims 53-57 depend from claim 52, Appellant respectfully submits that those claims are likewise allowable over Lee for at least the reasons discussed above.

Accordingly, Appellant respectfully submits that claims 52-57 are allowable over Lee and that the rejection of claims 52-57 should be withdrawn.

**B. Rejection under 35 U.S.C. §103(a) over U.S. Patent No. 5,978,920 to Lee.**

Claims 2-4, 8, 11, 17-18, 27, 32-34, 45-46, and 51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,978,920 to Lee.

**1. Claims 2-4, 8 and 11**

As discussed above with respect to claim 1, Lee fails to disclose the use of multiple parental control settings associated with different media types. Further, Appellant submits that Lee fails to suggest the use of multiple parental control

settings associated with different media types. Since Lee fails to mention multiple media types as recited in claim 1, Appellant submits that there is no suggestion to provide different parental control settings associated with different media types. Since claims 2-4, 8 and 11 depend from claim 1, Appellant submits that these claims are patentable over Lee.

Accordingly, Appellant respectfully submits that claims 2-4, 8 and 11 are allowable over Lee and that the rejection of claims 2-4, 8 and 11 should be withdrawn.

## **2. Claims 17-18**

Claims 17-18 depend from claim 13, which is discussed above. As discussed above with respect to claim 13, Lee fails to disclose identifying content from each of a plurality of different media types to be executed on a game console. Further, Appellant submits that Lee fails to make any suggestion to identify content from each of a plurality of different media types to be executed on a game console. Lee lacks any mention of identifying content from a plurality of different media types to be executed on a game console. Accordingly, Appellant submits that Lee contains no suggestion to provide different parental control settings associated with different media types. Since claims 17-18 depend from claim 13, Appellant submits that these claims are patentable over Lee.

Accordingly, Appellant respectfully submits that claims 17-18 are allowable over Lee and that the rejection of claims 17-18 should be withdrawn.

**3. Claim 27**

Claim 27 depends from claim 23, which is discussed above. For at least the reasons discussed above with respect to claims 2-4, 8 and 11, Appellant submits that claim 27 is allowable over Lee.

Accordingly, Appellant respectfully submits that claim 27 is allowable over Lee and that the rejection of claim 27 should be withdrawn.

**4. Claims 45-46**

Claims 45-46 depend from claim 38, which is discussed above. For at least the reasons discussed above with respect to claims 2-4, 8 and 11, Appellant submits that claims 45-46 are allowable over Lee.

Accordingly, Appellant respectfully submits that claims 45-46 are allowable over Lee and that the rejection of claims 45-46 should be withdrawn.

**5. Claim 51**

Claim 51 depends from claim 47, which is discussed above. For at least the reasons discussed above with respect to claims 2-4, 8 and 11, Appellant submits that claim 51 is allowable over Lee.

Accordingly, Appellant respectfully submits that claim 51 is allowable over Lee and that the rejection of claim 51 should be withdrawn.

## **6. Claims 32-34**

Claim 32 of the present application recites a user interface for a game console comprising:

a range indicator that identifies a range of content restriction levels that may be used by the game console for a plurality of different media types; and

a control movable relative to the range indicator to select a particular content restriction level corresponding to each said media type.

As discussed above with respect to claim 1, Lee fails to disclose the use of content restriction levels associated with a plurality of different media types. Further, Appellant submits that Lee fails to suggest the use of multiple content restriction levels associated with multiple media types. Since Lee fails to mention multiple media types as recited in claim 1, Appellant submits that there is no suggestion to provide different content restriction levels associated with different media types.

For at least these reasons, Appellant submits that claim 32 is patentable over the Lee reference. Since claims 33-34 depend from claim 32, Appellant submits that those claims are likewise patentable over Lee.


Accordingly, Appellant respectfully submits that claims 32-34 are allowable over Lee and that the rejection of claims 32-34 should be withdrawn.

**Conclusion**

The Office's basis and supporting rationale for the §102(b) and §103(a) rejections is not supported by Lee. Appellant respectfully requests that the rejections be overturned and that pending claims 1-18 and 21-57 be allowed to issue.

Respectfully Submitted,

Dated: 12-22-04

By:   
Steven R. Spenseller  
Lee & Hayes, PLLC  
Reg. No. 39,384  
(509) 324-9256 ext. 250

**(8) Appendix of Appealed Claims**

1. A game console, comprising:  
  
a memory to store a plurality of parental control settings, wherein the plurality of parental control settings are associated with different media types;  
  
a media reader to read content from the different media types; and  
  
a processor coupled to the memory and the media reader, wherein the processor allows performance of the content read by the media reader if the parental control setting corresponding to the media type of the content being read is satisfied.
  
2. A game console as recited in claim 1 wherein the media reader is a broadband connectivity component for receiving and reading the plurality of different kinds of media types from an online source.
  
3. A game console as recited in claim 1 wherein one of the plurality of parental control settings is associated with a rating system used in a country for which the game console is configured.
  
4. A game console as recited in claim 2 wherein the kind of media type that the media reader reads is online data having a rating for the online data.



5. A game console as recited in claim 1 wherein one of the plurality of parental control settings is associated with game content.

6. A game console as recited in claim 1 wherein one of the plurality of parental control settings is associated with audio content.

7. A game console as recited in claim 1 wherein one of the plurality of parental control settings is associated with video content.

8. A game console as recited in claim 1 wherein one of the plurality of parental control settings is associated with online content.

9. A game console as recited in claim 1 wherein the memory comprises a hard disk drive.

10. A game console as recited in claim 1 wherein a console application executable on the processor presents a user interface that allows entry of at least one parental control setting.

11. A game console as recited in claim 1 wherein a console application executable on the processor presents a user interface that allows entry of a game content parental control setting, an audio content parental control setting, a video content parental control setting, and an online content parental control setting.

12. A game console as recited in claim 1 wherein a console application executable on the processor presents a user interface that allows entry of a password associated with at least one parental control setting.

13. A method comprising:

- identifying content from among each of a plurality of different media types to be executed on a game console and a corresponding rating thereof;
- identifying a parental control setting stored in the game console for the media type of the identified content;
- analyzing the content to be executed on the game console using the media type thereof and the parental control setting of the media type; and
- executing the content on the game console if the rating of the identified content satisfies the parental control setting.

14. A method as recited in claim 13 wherein the content to be executed on the game console is game content.

15. A method as recited in claim 13 wherein the content to be executed on the game console is audio content.

16. A method as recited in claim 13 wherein the content to be executed on the game console is video content.

17. A method as recited in claim 13 wherein the identifying content further comprises receiving and reading the content from a broadband connectivity component and a rating for the content.

18. A method as recited in claim 13 wherein the content from a broadband connectivity component is online data.

21. A method as recited in claim 13 further including generating a message indicating unacceptable content if the content does not satisfy the parental control setting.

22. One or more computer-readable media comprising computer-executable instructions that, when executed, perform the method as recited in claim 13.

23. A method comprising:

identifying a media type of content to be accessed by a game console from among each of a plurality of media types;

identifying a parental control setting stored in non-removable memory of the game console and associated with the media type of content to be accessed by the game console;

analyzing the content to be accessed by the game console using the identified parental control setting; and

allowing the game console to access the content if the content satisfies the identified parental control setting and otherwise outputting a diagnostic.

24. A method as recited in claim 23 wherein the media type of content to be accessed by the game console is game data.

25. A method as recited in claim 23 wherein the media type of content to be accessed by the game console is audio data.

26. A method as recited in claim 23 wherein the media type of content to be accessed by the game console is video data.

27. A method as recited in claim 23 wherein the media type of content to be accessed by the game console is online data.

28. One or more computer-readable media comprising computer-executable instructions that, when executed, perform the method as recited in claim 23.

29. A user interface for a game console, comprising:  
a main menu configured to identify different media types that may be played by the game console; and  
a parental control settings menu accessible from the main menu to allow a user to set various content restrictions for each of the different media types that may be played by the game console.

30. A user interface as recited in claim 29 wherein the different media types that may be played by the game console include a game media type, a music media type, and a movie media type.

31. A user interface as recited in claim 29 wherein the parental control settings menu further allows a user to set a password to prevent unauthorized modification of the parental control settings.

32. A user interface for a game console, comprising:  
a range indicator that identifies a range of content restriction levels that may be used by the game console for a plurality of different media types; and  
a control movable relative to the range indicator to select a particular content restriction level corresponding to each said media type.

33. A user interface as recited in claim 32, further comprising a first display region to identify a particular media type that may be played by the game console, the range indicator being adapted to identify ranges of content restriction levels for the media type identified in the first display region.

34. A user interface as recited in claim 32, further comprising a second display region to identify a summary of the content restriction for the currently selected content restriction level.

35. A computer-readable medium for a game console comprising computer-executable instructions that, when executed, cause the game console to:  
identify content to be played by the game console based upon different kinds of media types that can be played by the game console;  
identify a parental control setting associated with the particular media type of the identified content;

determine whether the particular media type of the identified content satisfies the parental control setting; and

playing the identified content if the identified content satisfies the parental control setting.

36. A computer-readable medium as recited in claim 35 wherein the identified content to be played by the game console is selected from a group of media types comprising game data, audio data, and video data.

37. A computer-readable medium as recited in claim 35 wherein the instructions further cause the game controller to modify the parental content settings after a user enters a valid password associated with the parental content settings.

38. A game console, comprising:

- a memory;
- a processor;
- a media reader for different media types and a corresponding rating associated with each of the different media types; and
- a console application stored in the memory, wherein:
  - a control setting is stored in the memory for each said media type; and

the console application, when executed by the processor, performs the media type read by the media reader except when the rating thereof does not satisfy the control setting for the media type.

39. The game console as defined in Claim 38, wherein the different media types include computer games, music tracks, and movies.

40. The game console as defined in Claim 38, wherein the control setting stored in the memory corresponds to a location of use.

41. The game console as defined in Claim 38, wherein the memory is a non-removable memory device.

42. The game console as defined in Claim 38, wherein the media reader is an optical disk reader.

43. The game console as defined in Claim 38, wherein the media reader is a hard disk drive.

44. The game console as defined in Claim 38, wherein the media reader is a portable media drive.



45. The game console as defined in Claim 38, wherein the media reader is a broadband connectivity component for receiving and reading the different media types from an online source.

46. The game console as defined in Claim 38, wherein the media reader is a combination selected from the group consisting of:

an optical disk reader;

a hard disk drive;

a portable media drive; and

a broadband connectivity component for receiving and reading the different media types from an online source.

47. A game console comprising:

means for reading different media types and a corresponding parental rating for each media type;

means for storing a console application and a control setting associated with each media type; and

means for executing the console application to perform the media type read by the media reader when the parental rating thereof satisfies the control setting for the media type.

48. The game console as defined in Claim 47, wherein the different media types include computer games, music tracks, and movies.

49. The game console as defined in Claim 47, wherein the control setting corresponds to a location of use.

50. The game console as defined in Claim 47, wherein the means for storing is a non-removable memory device.

51. The game console as defined in Claim 47, wherein the means for reading is selected from the group consisting of an optical disk reader, a hard disk drive, a portable media drive, and a broadband connectivity component for receiving and reading the different media types from an online source, and combinations thereof.

52. A method comprising:

- identifying a first rating associated with a first media type capable of execution on a game console;
- identifying a second rating associated with a second media type capable of execution on the game console;
- identifying a media type to be executed by the game console;

identifying a parental control setting associated with the identified media type;

comparing a rating associated with the media type to be executed by the game console and the identified parental control setting; and

executing content from the identified media type if the rating satisfies the identified parental control setting.

53. A method as recited in claim 52 wherein the media type is a game-disc.

54. A method as recited in claim 52 wherein the media type is a compact disc.

55. A method as recited in claim 52 wherein the media type is a digital versatile disc.

56. A method as recited in claim 52 wherein identifying a parental control setting associated with the identified media type includes:  
identifying a first parental control setting associated with the first media type; and  
identifying a second parental control setting associated with the second media type.

57. A method as recited in claim 52 wherein the first media type is a removable media.